**UNITED STATES DISTRICT COURT**
**EASTERN DISTRICT OF MISSOURI**
**EASTERN DIVISION**

| | | |
|---|---|---|
| **UNITED STATES OF AMERICA,** | ) | |
| **Plaintiff,** | ) | |
| | ) | |
| **v.** | ) | **Cause No. 4:16-cr-161 HEA** |
| | ) | |
| | ) | |
| **CALVIN EDWARD KYLES,** | ) | |
| **Defendant.** | ) | |

## MOTION TO VACATE TRIAL SETTING AND TO WITHDRAW AS COUNSEL FOR DEFENDANT

COMES NOW Michael Hufty and moves this Honorable Court to vacate the trial setting and grant counsel leave to withdraw as attorney for Defendant for the following reasons:

1. On April 14, 2016 Defendant was charged by indictment in the above-captioned cause with one count of Felon in Possession of a Firearm in violation of 18 U.S.C. Section 922(g).
2. Counsel for Defendant entered his appearance on May 23, 2016.
3. Defendant was released on bond on May 27, 2016.
4. As a condition of his bond Defendant was required to be on electronic home-detention.
5. Since that time Defendant has waived pretrial motions and engaged in negotiations with the U.S. Attorney's Office preparing a proposed plea agreement.

6. On November 21, 2016 counsel for Defendant learned from the U.S. Attorney that Defendant had allegedly cut off his ankle monitor on October 28, 2016 and absconded from supervision.

7. Counsel for Defendant immediately tried to contact Defendant whose phone was disconnected.

8. Counsel for Defendant attempted to contact Defendant's girlfriend who said that he no longer lives with her and she has only spoken with Defendant intermittently since October 28, 2016 and that he only contacts her from random phone numbers.

9. Defendant has not had contact with counsel since prior to October 28, 2016 and no attempts to make contact with Defendant have been returned.

10. This lack of communication and disregard for instruction on the part of Defendant makes his representation impossible and is a violation of their agreement for representation.

11. Because of the foregoing reasons counsel cannot prepare for a trial in the above-captioned cause and cannot foreseeably proceed at this point.

WHEREFORE, counsel for Defendant prays this Honorable Court grant his motion to vacate the trial setting due to an inability to prepare and/or make contact with Defendant. Counsel also prays this Honorable Court grant his motion for leave to withdraw because of Defendant's violation of their agreement for representation.

Dated: November 22, 2016

Respectfully submitted,

/s/ Michael Hufty
Michael Hufty, #64925MO
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 22nd day of November, 2016, the foregoing document was served on the United States Attorney's Office via the Court's electronic filing system.

/s/ Michael Hufty
Michael Hufty